


MEMORANDUM FOR: Legislative Counsel

SUBJECT: S. 1849, To provide for the grant of career-conditional and career appointments in the competitive civil service to indefinite employees who previously qualified for competitive appointment.

Subject bill has been reviewed in accordance with your request. The provisions of E.O. 10577, dated 22 November 1954, concerning career-conditional and career appointments limit such appointments to the competitive service. The current proposal also limits the grant of such status to employees serving in the competitive civil service. Accordingly, we do not recommend any action with respect to this proposal.

STATINTL



Harrison G. Reynolds
Director of Personnel

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NOTICE OF PENDING LEGISLATION		DATE
		LEGISLATIVE BILL NO. S. 1849
SECTION I		GENERAL
TO :		FROM: LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL
THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:		
<input type="checkbox"/> SENT TO YOU FOR INFORMATION ONLY.		
<input type="checkbox"/> A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION <input type="checkbox"/> IS <input type="checkbox"/> IS NOT PREDICTED.		
<input checked="" type="checkbox"/> SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.		
<div style="border: 1px solid black; padding: 5px;"> IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY _____ </div>		
SECTION II		COMMENTS (From Original Addressee)
TO : LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL		FROM:
28 April 1955		84/1
<p>Mr. Johnston of South Carolina</p> <p>To provide for the grant of career-conditional and career appointments in the competitive civil service to indefinite employees who previously qualified for competitive appointment.</p> <p>Distribution:</p> <p><i>3 Director of Personnel</i></p> <p><i>6 May 55</i></p> <p><i>Senate Report 516 passed Senate 29 June 55 Dist 22 July 55 House report 1498 Dist 18 Aug 55 passed House amended 12 July 55. Senate agrees to House amendments 21 July 55 PL 381 - Dist 20 Oct 55</i></p>		
DATE OF COMMENTS	SIGNATURE AND TITLE	
Approved For Release 2002/01/10 : CIA-RDP59-00224A000200090001-4		EXTENSION

84TH CONGRESS
1ST SESSION

S. 1849

IN THE SENATE OF THE UNITED STATES

APRIL 28 (legislative day, APRIL 25), 1955

Mr. JOHNSTON of South Carolina introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

A BILL

To provide for the grant of career-conditional and career appointments in the competitive civil service to indefinite employees who previously qualified for competitive appointment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, each employee (a) who on the effective date of this
4 Act is serving under an indefinite appointment in a position
5 in the competitive civil service other than a position whose
6 salary rate is fixed by the Act of July 6, 1945 (59 Stat.
7 435), as amended, and was so serving on January 23,
8 1955, and (b) who between June 30, 1950, and January
9 23, 1955, was certified and within reach for consideration
10 for indefinite appointment from a competitive civil-service

1 register appropriate for filling a position in which he served
2 between such dates shall have his indefinite appointment
3 converted as of the effective date of this Act to a career-
4 conditional appointment, or a career appointment, as deter-
5 mined appropriate under the civil service regulations applied
6 in conversions under section 201 of Executive Order 10577
7 of November 22, 1954.

8 SEC. 2. Each individual who between January 23, 1955,
9 and the effective date of this Act was separated from the
10 service without cause and who otherwise would have been
11 eligible for conversion under section 1 of this Act shall be
12 eligible for reinstatement within two years of the effective
13 date of this Act, under career-conditional or career appoint-
14 ment in the competitive civil service in a position for which
15 qualified.

16 SEC. 3. The United States Civil Service Commission is
17 authorized and directed to promulgate regulations for the
18 administration and enforcement of this Act.

19 SEC. 4. This Act shall take effect ninety days from the
20 date of enactment.

84TH CONGRESS
1ST SESSION

S. 1849

A BILL

To provide for the grant of career-conditional and career appointments in the competitive civil service to indefinite employees who previously qualified for competitive appointment.

By Mr. JOHNSTON of South Carolina

APRIL 28 (legislative day, APRIL 25), 1955

Read twice and referred to the Committee on Post Office and Civil Service

Public Law 380 - 84th Congress
Chapter 866 - 1st Session
S. 1849

AN ACT

To provide for the granting of career-conditional and career appointments to certain qualified employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appointment of each employee of the Federal Government or the municipal government of the District of Columbia who—

Government employees.
Career-conditional and career appointments.

(1) on the effective date of this Act is serving under an indefinite or temporary appointment in a position in the competitive civil service other than a position for which the salary is fixed by the Postal Field Service Compensation Act of 1955 (Public Law 68, Eighty-fourth Congress);

Ante, p. 88

(2) on January 23, 1955, was serving in a position in the competitive civil service;

(3) from January 23, 1955, to the effective date of this Act, served in a position or positions in the competitive civil service without break in service;

(4) (A) during the period beginning June 3, 1950, and ending January 23, 1955, passed a qualifying examination for a position in the competitive civil service in which he served during such period, or (B) within one year after the effective date of this Act meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe with respect to the position which he holds at the time he makes the application prescribed by this section; and

69 Stat. 709.
69 Stat. 710.

(5) has completed, prior to making such application, a total of continuous or intermittent satisfactory service aggregating not less than three years on the rolls in a position or positions in the competitive civil service;

shall, upon application by such employee made within one year after the effective date of this Act to the appropriate department, agency, or establishment concerned, and upon recommendation by such department, agency, or establishment, be converted to a career-conditional appointment or a career appointment determined by the appropriate United States Civil Service Commission regulations governing conversions to career-conditional or career appointments in accordance with Executive Order Numbered 10577, dated November 22, 1954.

3 CFR, 1954 Supp.,
p. 24.
D. C. Corrections
Department employees.

Sec. 2. The appointment in the competitive civil service of each employee who—

(1) (A) was appointed on or after December 20, 1941, to a position in the Workhouse at Occoquan in the State of Virginia, the Reformatory at Lorton in the State of Virginia, or the Washington Asylum and Jail, (B) was appointed to a position in the Department of Corrections of the District of Columbia (as constituted on and after June 27, 1946) with a war service indefinite appointment, or (C) was appointed on or after June 27, 1946, and prior to January 1, 1955, to a position in such Department of Corrections, without regard to the civil-service laws, rules, and regulations;

(2) is in a position in the Department of Corrections of the District of Columbia on the effective date of this Act;

(3) has completed, prior to making the application prescribed by this section, a total of continuous or intermittent satisfactory service aggregating not less than three years in a position or positions in the municipal government of the District of Columbia; and

Pub. Law 380

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(4) within one year after the effective date of this Act meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe with respect to the position which he holds at the time he makes the application prescribed by this section;

shall, upon application by such employee made within one year after the effective date of this Act to the appropriate department, agency, or establishment concerned, and upon recommendation by such department, agency, or establishment, be converted to a career-conditional appointment or a career appointment determined by the appropriate United States Civil Service Commission regulations governing conversions to career-conditional or career appointments in accordance with Executive Order Numbered 10577, dated November 22, 1954.

3 CFR, 1954
Supp., p. 84.
Persons separated without
cause after
Jan. 23, 1955.

SEC. 3. Each individual who—

(1) was serving in a position in the competitive civil service under an indefinite appointment on January 23, 1955;

(2) between January 23, 1955, and the effective date of this Act, was involuntarily separated from the competitive civil service for any reason other than for cause;

69 Stat. 710.
69 Stat. 711.

(3) (A) during the period beginning June 3, 1950, and ending January 23, 1955, passed a qualifying examination for a position in which he served during such period, or (B) within one year after the effective date of this Act, meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe; and

(4) has completed, prior to reappointment under this section, a total of continuous or intermittent satisfactory service aggregating not less than three years on the rolls in a position or positions in the competitive civil service;

may, during the period ending two years after the effective date of this Act, be reappointed without competitive examination to a position in the competitive civil service for which he is qualified and such reappointment (except reappointment to a position involving temporary job employment) shall be a career-conditional appointment or a career appointment determined by the appropriate United States Civil Service Commission regulations governing conversions to career-conditional or career appointments in accordance with Executive Order Numbered 10577, dated November 22, 1954.

3 CFR, 1954
Supp., P. 84.
Rules and
regulations.

SEC. 4. The United States Civil Service Commission is hereby authorized and directed to promulgate such rules and regulations as it determines to be necessary to carry out the provisions of this Act.

SEC. 5. Nothing in this Act shall affect, or be construed to affect, the application of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, Eighty-second Congress), as amended.

Effective
date.

SEC. 6. This Act shall take effect on the ninetieth day following the date of its enactment.

Approved August 12, 1955.

84TH CONGRESS	}	HOUSE OF REPRESENTATIVES	}	REPORT
1st Session				No. 1498

CONVERSION OF INDEFINITE APPOINTMENT TO CAREER-
CONDITIONAL OR CAREER APPOINTMENT

JULY 27, 1955.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ALEXANDER, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany S. 1849]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1849) to provide for the grant of career-conditional and career appointments in the competitive civil service to indefinite employees who previously qualified for competitive appointment, having considered the same, report favorably thereon with amendments and recommend that the bill (S. 1849) as amended, do pass:

The amendments are as follows:

- (1) Strike all after the enacting clause and insert the language printed in italics in the reported bill;
- (2) The title is amended to read as follows:

An act to provide for the granting of career-conditional and career appointments to certain qualified employees.

PURPOSE

Bill S. 1849, as amended, provides authority for the granting of career or career-conditional appointments to indefinite employees of the Federal Government and the Government of the District of Columbia. It is designed to correct the thousands of inequities resulting from the provisions of Executive Order No. 10577 dated November 22, 1954.

EXPLANATION OF AMENDMENTS

Following is a section-by-section analysis of the amended provisions to S. 1849:

Section 1 of the amendment authorizes the granting of career-conditional or career appointments to employees who—

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(1) On the effective date of this act is serving in an indefinite or temporary appointment (except in the postal field service);

(2) Who was serving in a position in the competitive civil service on January 23, 1955 (the effective date of Executive Order 10577);

(3) Who served in a position or positions in the competitive civil service between January 23, 1955, and the effective date of this act;

(4) Has passed a qualifying examination or within 1 year passes a noncompetitive qualifying examination; and

(5) Has completed 3 years of satisfactory service in a position or positions in the competitive civil service.

This section also requires that before an individual can be considered for conversion to career status he must make application for such through the department or agency where he is employed and that the agency concerned must recommend him for conversion to status.

Section 2 grants authority to the Department of Corrections of the District of Columbia to grant career-conditional or career appointments to certain employees in institutions under its jurisdiction. The requirements for making these appointments are similar to those provided under section 1 of the act.

Section 3 authorizes the granting of a career-conditional or a career appointment to employees who were separated during the period from January 23, 1955, and the effective date of this act, for reasons other than cause, at such time as they are reemployed by the Government. This section provides that these employees must meet the same standards as set forth in section 1 of the act if their reappointment is to be career-conditional or career.

Section 4 grants standard authority to the United States Civil Service Commission to issue rules and regulations necessary to the administration of this act.

Section 5 maintains the ceiling on permanent appointments in the Federal Government established under section 1310 of the Supplemental Appropriations Act of 1952, as amended (Whitten amendment).

Section 6 established an effective date, which is 90 days after the date of enactment. This 90 days is necessary in order to allow the Civil Service Commission time in which to promulgate the necessary rules and regulations for its administration.

The title of the act is amended to bring it into conformity with the amended provisions.

STATEMENT

A new appointment system was put into effect by the Civil Service Commission on January 23, 1955. The new system is designed to accomplish two primary objectives: First, to establish a stable yet flexible appointment system for the long-range future and, secondly, to eliminate the emergency procedures established under the Whitten amendment. The system sets up a new kind of civil-service appointment called career-conditional. This type of appointment will generally be given to persons appointed from registers of eligibles set up through open competitive examinations. The first year of service is a probationary period which is considered an integral part of the

examination. After completion of probation, the employee acquires competitive status. After 3 years, the employee acquires a full career status.

When the new system went into effect, some 220,000 indefinite employees, who entered the Government service on a competitive basis and who had 3 years or more of service, were converted to "career status" employees. An additional 235,000 indefinites, who also entered the Government service on a competitive basis but who had less than 3 years' service, were converted to "career-conditional." These employees will acquire full career status as soon as they complete the necessary 3 years of service.

The objectives of the new system are commendable, and from the standpoint of both the Government and the 455,000 indefinite employees who were converted to career or career-conditional were excellent. However, there are a number of indefinite employees who were not so converted and who should be if they are to be accorded equal recognition of their qualifications.

The employees who have suffered due to the inequities established by Executive Order 10577 are those who either passed a qualifying civil-service examination and were not referred for appointment, or did not take a civil-service examination due to the fact that they were discouraged from doing so either by the Civil Service Commission or by the agency concerned. There are others who did not take the examination due to the fact that they had already received an indefinite appointment and to take an examination at the time would not have resulted in any additional benefits.

The committee believes that these employees, if they have served satisfactorily for a number of years, have equal rights to career or career-conditional status as did those indefinite employees converted under Executive Order 10577.

In its report on S. 1849 to the Committee on Post Office and Civil Service of the Senate, the Civil Service Commission makes the following statement:

* * * It [S. 1849] therefore recognizes the equities of certain employees whose conversions were not authorized by Executive Order 10577. There are many other employees, however, with claims to consideration that may be equal to or greater than those of employees who would be covered by the bill. Some of these groups are described in my letter of April 25. There are, for example, employees who failed to apply for examinations announced by the Commission for indefinite appointment because they were already serving in the same type of job, at the same grade, and under the same type of indefinite appointment made without competitive examination. There was no advantage to such employees to apply at the time, but if they had applied they might later have become eligible for conversion under Executive Order 10577. Some of these employees have undoubtedly had longer service than many employees who would be covered by S. 1849. * * *

* * * The Commission has been unable to find a feasible way within competitive principles to distinguish clearly all those employees who have some claim to consideration from those employees who have no equity at all; that is, employees who had no intention of applying for competitive examinations, or if they had applied would not have been within reach for appointment on the registers. We decided that to take action to authorize the conversion of only those employees for whom it might be practicable to reconstruct the situation in order to determine their full equities would result in creating further inequities for the many employees for whom such a reconstruction would be infeasible or impossible. We gave consideration to proposing an amendment to Executive Order 10577 authorizing the conversion of the same group of indefinite employees who would be covered by S. 1849. We decided against such action principally because it would

CONVERSION OF INDEFINITE APPOINTMENT

create many further inequities for other groups that would not be covered. * * *

* * * In our opinion, the only practicable way to recognize all of the equities of indefinite employees who are not converted under Executive Order 10577 would be to blanket into the competitive service all such indefinite employees without regard to their standing on competitive registers. The Commission is not in favor, however, of conferring competitive status on employees who have not earned it as a result of meeting the competitive requirements of the civil-service laws, rules, and regulations except where sound public policy dictates such action. * * *

* * * In view of the fact that S. 1849 would cover only some indefinite employees who have equities and would therefore create inequities for many employees not covered but who have equal or better claims to consideration, we are not in favor of its enactment.

The committee sincerely feels the provisions of S. 1849, as amended, overcomes all objections of the Civil Service Commission, is in the public interest, and will result in the correction of practically all inequities resulting from Executive Order 10577.

3 YEARS OF SATISFACTORY SERVICE

The committee feels that if an employee has had at least 3 years of satisfactory service in competitive positions in the Government that this experience should be given material consideration in qualifying him for career status. The committee considers the service as being satisfactory if the employee has performed in one or more positions in a satisfactory manner and, at the time of his application for conversion to status, is still satisfactorily performing the duties assigned to him.

QUALIFYING EXAMINATIONS

Although the committee considered 3 years' satisfactory service as being prima facie evidence of qualification for a job, it still believed that some form of examination should be required if the general principle of the merit system is to be complied with. The amended act therefore requires that individuals being considered for conversion to career status must either have passed a qualifying examination, or must pass a noncompetitive qualifying examination.

The type of noncompetitive qualifying examination is left to the discretion of the Civil Service Commission. However, the committee recommends that judicious consideration be given to adjusting these examinations to closely meet the actual requirements of the position involved. In this the committee does not intend to suggest a breakdown in the examination standards of the Civil Service Commission but does believe that some additional consideration and practical reasoning should be given to examinations for certain types of positions where experience as an occupant of the position rather than written tests should prevail.

APPLICATION

In requiring that the individual make application through the agency by which he is employed, the committee recognizes that it is impossible for the Civil Service Commission or the agency to administratively search out those individuals who might be qualified under the provisions of this act. The committee suggests that an application form be designed which will be readily available to the indefinite employees, and will contain spaces for furnishing pertinent information

which will allow the agency and the Civil Service Commission to make a decision on the case without too great delay.

AGENCY RECOMMENDATION

The committee recognizes that there are some employees who over the years have for reasons unknown maintained a satisfactory employment record, but who are not actually satisfactory employees. It has therefore provided a requirement that the agency make recommendation on each application for conversion. The committee cautions the departments and agencies concerned to give due and valid consideration to each application and to prevent insofar as is possible any showing of favoritism on the part of supervisors or officials in the making of these recommendations.

The agency is also cautioned to refuse favorable recommendation to those employees who are not performing or have not performed satisfactory service. In those cases where a favorable recommendation is refused by the department or agency, a written statement as to the reasons why should be furnished to the employee and placed in the permanent record of such employee.

REINSTATEMENTS

During the period since January 25, 1955 (effective date of Executive Order 10577), there have been a number of employees separated due to reduction-in-force or other reasons beyond their control. In order to accord the employee so separated equal opportunity to attain career conditional or career status, the committee has placed provisions in the act which will authorize their reinstatement (within 2 years) with status appointments if they meet the same requirements as those indefinite employees who have been fortunate enough to retain their employment.

DEPARTMENT OF CORRECTIONS—DISTRICT OF COLUMBIA GOVERNMENT

A condition of employment exists in certain institutions of the Department of Corrections of the District of Columbia government which makes it necessary to include special provisions in the act to accord to some 250 employees the same benefits as are accorded to other indefinite employees of the Government. The condition of employment resulted from the continuance of war indefinite appointments and appointments made outside of the civil-service rules and regulations during periods in which there was controversy as to the civil-service requirements as they applied to this Department. The provisions of section 2 of the act correct the inequities as they now exist.

It is the view of the committee that the provisions of this act, as amended, are fair and equitable and that it is an act that will result in a much higher morale and more efficient service throughout the Government. It believes that the requirements of 3 years of satisfactory service plus an examination completely satisfies the principal requirements of the merit system and that its coverage is as broad as can be justified. Those indefinite employees who have been appointed at a recent date are not included in the bill. However, the committee feels that there is no discrimination in this area as they have not com-

pleted a sufficient period of satisfactory service or met qualifications standards of the merit system. It is estimated that there are some fifteen to twenty thousand of these newly employed individuals.

COST

There is no cost involved in this legislation. Its purpose is merely to convert one type of appointment to another, thereby eliminating inequities in treatment. The committee considers it highly desirable that it be enacted at this time if the provisions of Executive Order 10577 are not to continue to discriminate against some 50,000 loyal and qualified employees of the Government.

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Calendar No. 580

84TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 576

GRANTING CAREER APPOINTMENTS TO QUALIFIED EMPLOYEES

JUNE 17 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office
and Civil Service, submitted the following

R E P O R T

[To accompany S. 1849]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1849) to provide for the grant of career-conditional and career appointments in the competitive civil service to indefinite employees who previously qualified for competitive appointment, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

S. 1849 provides that indefinite employees (except employees whose salary rate is fixed by the act of July 6, 1945, as amended) who are serving on the effective date of enactment in positions in the competitive service, and who were so serving on January 23, 1955, would have their indefinite appointments converted to career-conditional or career appointments if they were certified and within reach for indefinite appointment on competitive civil-service registers appropriate for indefinite appointment to jobs they held between June 30, 1950, and January 23, 1955. Determination as to whether they would receive career or career-conditional appointments would depend upon their length of service during such period of time.

EXPLANATION

A new appointment system was put into effect by the Civil Service Commission on January 23, 1955. The new system is designed to accomplish two primary objectives. First, to establish a stable yet flexible appointment system for the long-range future and, secondly, to eliminate the emergency procedures established under the Whitten amendment. The system sets up a new kind of civil-service appointment called career conditional. This type of appointment will gen-

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erally be given to persons appointed from registers of eligibles set up through open competitive examinations. The first year of service is a probationary period which is considered an integral part of the examination. After completion of probation, the employee acquires competitive status. After 3 years, the employee acquires a full career status.

When the new system went into effect, some 220,000 indefinite employees, who entered the Government service on a competitive basis and who had 3 years or more of service, were converted to "career status" employees. An additional 235,000 indefinites, who also entered the Government service on a competitive basis but who had less than 3 years' service, were converted to "career conditional." These employees will acquire full career status as soon as they complete the necessary 3 years of service.

The objectives of the new system are splendid, and it is a fine thing from the standpoint of both the Government and the 455,000 indefinite employees who were converted to career or career conditional that the system was adopted. However, there are a number of indefinite employees who were not so converted and who should be. The group consists of employees who competed successfully in regular competitive civil-service examinations but were not appointed from a register of eligibles because they were already in the Federal service, under some other type appointment. The committee does not believe they should be barred from conversion to career or career-conditional status because of a technicality regarding the nature of their appointment.

Following are typical examples of the type of cases covered by the bill:

(a) Eligible A passed an examination and was certified for the position of organization and methods examiner, grade 11. Upon reporting for interview he was advised the job was filled. However, he was offered, and accepted, a position as statistician, GS-11 outside the register. Within a few months he was reassigned to the organization and methods examiner position for which he was originally certified. Eligible A has been denied a career appointment under the regulations adopted by the Civil Service Commission.

(b) A stenographer working in agency A under an appointment outside the register was offered appointment in agency B as a result of her certification from a stenographer register. She was persuaded by agency A to stay with them. She has been denied a career appointment because she did not resign her position in agency A and accept the offer for the same job in agency B.

AGENCY REPORTS

Following are agency reports on S. 1849, as reported.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, June 10, 1955.

Hon. OLIN D. JOHNSTON,
*Chairman, Committee on Post Office and Civil Service,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: Your letter of May 4, 1955, requests our views and comments upon S. 1849, copies of which accompanied your request.

Section 1 of S. 1849 makes it mandatory that any employee serving under an indefinite appointment in a position in the competitive civil service--except

postal service—on the effective date of the act, and who was so serving on January 23, 1955 (the effective date of Executive Order 10577), and who between June 30, 1950, and January 23, 1955, became eligible for an indefinite appointment from a competitive civil-service register shall have his appointment changed to a career conditional or career appointment as determined under the civil-service regulations issued pursuant to Executive Order 10577. Executive Order 10577 authorizes the Civil Service Commission to promulgate regulations for appointments, and conversion of prior appointments, to career and career-conditional appointments but subject to the limitations on permanent appointments prescribed in section 1310 of the Supplemental Appropriation Act of 1952 (65 Stat. 757), as amended.

Section 2 of this bill authorizes career conditional or career appointments to each individual otherwise within the purview of section 1 who was separated without cause between January 23, 1955, and the effective date of the act. The bill makes its administration subject to proper civil-service regulations.

It is understood that under the current regulations of the Civil Service Commission, employees of the class covered by this bill, that is, those employees who for various reasons failed to receive indefinite appointments from competitive civil-service registers, although otherwise eligible, would again be required to take examinations to become eligible for appointment in the career service. The bill would eliminate that requirement. Moreover, the bill presumably would have the effect of permitting permanent appointments of this class of employees in excess of the ceiling on permanent appointments established by section 1310 of the Supplemental Appropriation Act of 1952, as amended.

We feel that the bill would be beneficial upon the morale of the involved employees, and it would seem that the satisfactory performance of their duties in their respective positions for the period covered by the bill would amply demonstrate their qualifications for permanent appointments.

See in connection with the above our report of May 13, 1955, to you, B-98188, upon a somewhat similar bill, S. 1711.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington 25, D. C., June 14, 1955.

Hon. OLIN D. JOHNSTON,
*Chairman, Committee on Post Office and Civil Service,
United States Senate, Washington, D. C.*

DEAR SENATOR JOHNSTON: This is in further reply to your letter of May 4, 1955, asking for the views and comments of the Civil Service Commission on S. 1849, a bill to provide for the grant of career-conditional and career appointments in the competitive civil service to indefinite employees who previously qualified for competitive appointment.

The Commission does not favor enactment of this bill.

S. 1849 provides that indefinite employees, except postal field service employees, who are serving on the effective date of enactment in positions in the competitive service, and who were so serving on January 23, 1955, would have their indefinite appointments converted to career-conditional or career appointments if they were certified and within reach for indefinite appointment on competitive civil service registers appropriate for indefinite appointment to jobs they held between June 30, 1950, and January 23, 1955. Determination as to whether they would receive career or career-conditional appointments would depend upon their length of creditable service as required by the Commission's regulations under Executive Order 10577.

The bill also provides that former indefinite employees who would be otherwise eligible for conversion except that they were separated from the service without cause between January 23, 1955, and the effective date of enactment would be eligible for reinstatement under career-conditional or career appointments in the competitive civil service within 2 years of the effective date. The Commission would be authorized and directed to issue regulations for administering and enforcing the act, and the effective date would be 90 days from the date of enactment.

Executive Order 10577 provided for the conversion to career-conditional or career appointments of the indefinite appointments of those employees who

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were actually appointed in regular order from civil-service registers established after February 4, 1946. This order specifically applied, therefore, only to those employees who met the competitive requirements of the civil-service laws, rules, and regulations; that is, they applied for civil-service examinations in competition with other citizens and were selected by their agencies for their jobs in the order prescribed by the Veterans' Preference Act and the civil-service rules and regulations.

I wrote you on April 25, 1955, in response to your letter of April 9 in behalf of Mr. Robert C. Lauer in which you asked that the Commission make a complete evaluation of the career-conditional program in view of the many letters of complaint received by your committee. In my reply, a copy of which is attached, I gave you an analysis of the factors which led to the original decision to limit automatic conversion to those indefinite employees who were actually appointed from competitive registers. The Commission has made a thorough and extensive reevaluation of its original decision and found that no more equitable solution is possible within competitive principles.

S. 1849 would authorize the conversion or reinstatement of those indefinite employees who competed in civil service examinations, were certified to a Federal agency, and were within reach for indefinite appointment but were not actually selected by their agencies from the certificates. It therefore recognizes the equities of certain employees whose conversions were not authorized by Executive Order 10577. There are many other employees, however, with claims to consideration that may be equal to or greater than those of employees who would be covered by the bill. Some of these groups are described in my letter of April 25. There are, for example, employees who failed to apply for examinations announced by the Commission for indefinite appointment because they were already serving in the same type of job, at the same grade, and under the same type of indefinite appointment made without competitive examination. There was no advantage to such employees to apply at the time, but if they had applied they might later have become eligible for conversion under Executive Order 10577. Some of these employees have undoubtedly had longer service than many employees who would be covered by S. 1849.

The Commission has been unable to find a feasible way within competitive principles to distinguish clearly all those employees who have some claim to consideration from those employees who have no equity at all; that is, employees who had no intention of applying for competitive examinations, or if they had applied would not have been within reach for appointment on the registers. We decided that to take action to authorize the conversion of only those employees for whom it might be practicable to reconstruct the situation in order to determine their full equities would result in creating further inequities for the many employees for whom such a reconstruction would be infeasible or impossible. We gave consideration to proposing an amendment to Executive Order 10577 authorizing the conversion of the same group of indefinite employees who would be covered by S. 1849. We decided against such action principally because it would create many further inequities for other groups that would not be covered.

The Commission concluded that it would be more desirable to give special consideration to all indefinite employees, consistent with competitive principles, in obtaining future career-conditional or career appointments. These employees have the usual privilege of applying for any open civil-service examination. In addition, as a measure to recognize the equities of many of these employees, the Commission permits them to apply for any two examinations that may be appropriate for jobs in their present establishment even though such examinations may now be closed to the general public. We have also granted certain waivers as to age, physical, and apportionment requirements in connection with these applications.

We are now conducting an examining program to the limit of our resources in order to give as great a number of these employees as possible an opportunity to compete for career-conditional or career appointments. We certify these employees to their agencies automatically as soon as they come within reach for appointment on the registers. We believe that these steps will give most of these employees a chance to acquire career-conditional or career appointments in the reasonably near future if they are successful in their examinations and come within reach for appointment.

In our opinion, the only practicable way to recognize all of the equities of indefinite employees who are not converted under Executive Order 10577 would be to blanket into the competitive service all such indefinite employees without

regard to their standing on competitive registers. The Commission is not in favor, however, of conferring competitive status on employees who have not earned it as a result of meeting the competitive requirements of the civil-service laws, rules, and regulations except where sound public policy dictates such action.

In view of the fact that S. 1849 would cover only some indefinite employees who have equities and would therefore create inequities for many employees not covered but who have equal or better claims to consideration, we are not in favor of its enactment.

We are informed that the Bureau of the Budget has no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

PHILIP YOUNG, *Chairman.*